

### **REMARKS**

Currently claims 1-33 are pending. By this Amendment, claims 1, 11 and 13 have been amended, no claims have been canceled, and new claims 20-33 have been added. Pursuant to the above amendments and following remarks, Applicants respectfully request reconsideration of the outstanding claim rejections.

#### **I. Claim Rejections – 35 U.S.C. § 102 and § 103**

The Examiner has rejected claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated U.S. Patent No. 6,628,595 to Sasa et al. (hereinafter “Sasa”); and rejects claims 2, 10 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Sasa in view of U.S. Patent No. 6,771,579 to Suzuki (hereinafter “Suzuki”); and rejects claims 3-9 and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Sasa in view of Suzuki and further in view of U.S. Patent Publication No. 2003/0151994 to Tasaka et al (hereinafter “Tasaka”); and rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Sasa in view of PCT Application No. WO2004/027764 to Ogawa (hereinafter “Ogawa”) as provided by translation in reference thereto to U.S. Patent No. 7,154,833; and rejects claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Sasa in view of Ogawa based on the U.S. Patent No. 7,154,883 (hereinafter “Ogawa ‘883”) in further view of U.S. Patent No. 7,158,460 to Ogawa (hereinafter “Ogawa ‘460”); and rejects claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatent Sasa in view of U.S. Patent Publication No. 2003/0151994 to Tasaka. These rejections are respectfully traversed.

With regards to independent claims 1 and 13, for example, Applicants respectfully assert that Sasa fails to anticipate each and every element contained within at least independent claim 1 and 13, and accordingly may not be found to anticipate Applicants’ claimed invention for at least this basis.

That is say that the claimed invention as currently recited in amended claims 1 and 13 describes a patentable distinct optical recording device and method wherein the recording method comprises the steps of reading recommended write strategy parameters and recommended asymmetry value, and pursuant to claim 13 a reading means for reading

recommended write strategy parameters and recommended asymmetry value, is an elemental recitation for an optical recording device.

Applicants believe that Sasa fails to make any reference either explicit or implicit with regards to such a feature and accordingly for at least this basis, Applicants respectfully assert that their claimed invention is patentably distinct over Sasa. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1 and 13 under § 102 over Sasa.

With regards to claims 2, 10 and 14 which depend from independent claims 1 or 13 respectively, dependent claims 2, 10 and 14 are similarly distinguishable at least for the reason that they depend from the patentably distinct independent claims, as well as for the additional recited therein.

Therefore, for the same reasons asserted with regards to the patentability of independent claims 1 and 13, Applicants also respectfully assert that dependent claims 2, 10 and 14 are similarly patentably distinct and accordingly respectfully request the withdrawal of the rejection under § 103 over Sasa in view of Suzuki.

With regards to claims 3-9 and 17-19 which are dependent claims from the previously asserted patentably distinct independent claims 1 and 13 respectively, Applicants similarly assert that these claims should be found patentably distinct for at least the reasons recited above. Therefore, for at least the same reasons recited above, Applicants respectfully request the withdrawal of the rejection of claims 3-9 and 17-19 under § 103 over Sasa, Suzuki and Tasaka.

With regards to claim 11, which is a dependent claim that depends from independent claim 1, Applicants respectfully assert that for at least the same reasons asserted above with regards to independent claim 1, dependent claim 11 should also be found patentably distinct, for at least the same reasons recited above as well as for the additional features recited therein.

Therefore, Applicants respectfully request the withdrawal of the rejection of claim 11 under § 103 over Sasa in view of Ogawa '833.

With regards to claim 12, which is a dependent claim depending from previously asserted patentably distinct independent claim 1, Applicants also assert that for at least the same bases,

dependent claim 12 should be found patentably distinct, for at least the same reasons asserted above as well as for the additional recitations contained therein.

Therefore, Applicants respectfully request the withdrawal of the rejection of claim 12 under § 103 over Sasa and Ogawa '833 in view Ogawa '460.

With regards to claims 15 and 16 which are dependent claims depending from independent claim 13, Applicants respectfully assert that dependent claims 15 and 16 should be found patentably distinct for at least the same reasons asserted above with regards to independent claim 13, as well as for the additional features therein.

Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 15 and 16 under § 103 over Sasa in view of Tasaka.

## II. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William D. Titcomb Reg. No. 46,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

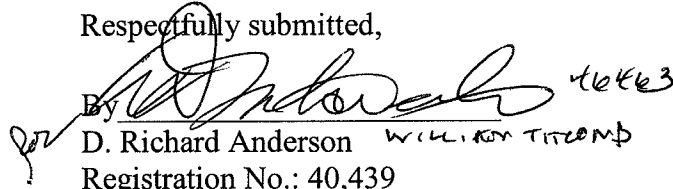
Application No. 10/541,628  
Amendment dated July 31, 2008  
Reply to Office Action of April 8, 2008

Docket No.: 1190-0609PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: July 31, 2008

Respectfully submitted,

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